

[PUBLIC—No. 831—70TH CONGRESS]

[S. 3936]

An Act To regulate the practice of the healing art to protect the public health in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of this Act the following words and phrases have the meanings assigned to them, respectively, except where the context otherwise requires:

(a) "Disease" means any blemish, defect, deformity, infirmity, disorder, disease, or injury of the human body or mind, and pregnancy, and the effects of any of them.

(b) "The healing art" means the art of detecting or attempting to detect the presence of any disease; of determining or attempting to determine the nature and state of any disease, if present; of preventing, relieving, correcting, or curing, or of attempting to prevent, relieve, correct, or cure any disease; of safeguarding or attempting to safeguard the life of any woman and infant through pregnancy and parturition; and of doing or attempting to do any of the acts enumerated above: *Provided*, That for the purposes of this Act the term "the healing art" does not include—

(1) Dentistry as defined in an Act entitled "An Act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto," approved June 6, 1892, as amended by Acts approved June 7, 1924, and March 4, 1927; nor

(2) Podiatry as defined in an Act entitled "An Act to regulate the practice of podiatry in the District of Columbia," approved May 23, 1918; nor

(3) Optometry as defined in an Act entitled "An Act to regulate the practice of optometry in the District of Columbia," approved May 28, 1924; nor

(4) Pharmacy as defined in an Act entitled "An Act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906, as amended by an Act approved March 4, 1924; nor

(5) Nursing as defined in an Act entitled "An Act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia," approved February 9, 1907.

✓ (c) "To practice" means to do or to attempt to do, or to hold oneself out or to allow oneself to be held out as ready to do, any act enumerated in subsection (b) of this section as constituting a part of the healing art, for a fee, gift, or reward, or in anticipation of any fee, gift, or reward, whether tangible or intangible.

(d) "Commission" means the commission on licensure to practice the healing art, created by this Act.

(e) "Board" means a board of examiners created by this Act.

(f) "Drugless healing" means any system of healing that does not resort to the use of drugs, medicine, or operative surgery for the prevention, relief, or cure of any disease.

(g) "School" means any school, college, or university.

SEC. 2. No person shall practice the healing art in the District of Columbia who is not (a) licensed so to do, or (b) if exempted from licensure under sections 42 or 43 of this Act, then duly registered.

SEC. 3. No person shall practice the healing art in the District of Columbia otherwise than in accordance with the terms of his license or of his registration as the case may be.

SEC. 4. There is hereby created a commission on licensure to practice the healing art in the District of Columbia, consisting of the president of the Board of Commissioners of the District of Columbia, the United States Commissioner of Education, the United States district attorney for the District of Columbia, the superintendent of public schools of the District of Columbia, and the health officer of the District of Columbia, each ex officio. The commission shall elect a president and a vice president. The health officer shall be the secretary and treasurer of the commission. The commission shall make and from time to time may alter such rules as it deems necessary for the conduct of its business, and for the execution and enforcement of the provisions of this Act. It shall adopt a common seal, and from time to time alter the same as to it seems proper. The courts shall take judicial notice of such seal.

SEC. 5. The commission shall establish minimum standards of preprofessional and professional education in the healing art and may establish minimum standards for hospitals for interne training. It may determine whether preprofessional and professional schools, and whether hospitals, attain such standards. It shall keep a record of its investigations and determinations with respect to all schools and hospitals and shall approve and enter in a proper register every school and every hospital attaining the prescribed standard or which had attained such standard during its existence. The commission may redetermine from time to time the standing of any school or hospital and may revise its register accordingly. The commission shall give no credit for any certificate, diploma, or degree emanating from any school, and it may refuse to give any credit for any certificate or diploma emanating from any hospital, not duly registered as provided by this Act: *Provided*, That this requirement as to registration shall not apply in the case of persons applying for license on years of practice under the provisions of section 24 of this Act.

SEC. 6. The commission shall receive, number consecutively, and record all applications presented in due form for licenses and for registration; but such applications may be classified according to their respective purposes, and numbered consecutively and registered according to the several classes thus established. If the commission finds that an applicant is entitled to a license by virtue of an outstanding license to practice medicine and surgery in the District of Columbia or by virtue of years of practice, under the provisions of section 24 of this Act, or by virtue of reciprocity, under the provisions of section 25, it shall issue to him a license accordingly. If the commission finds that an applicant has submitted satisfactory proof of age, moral character, preprofessional education, professional education, and, if required by the commission, of hospital training, but must be subjected to an examination to determine his professional fitness, under section 26, it shall certify

him to the proper examining board for that purpose; and upon receipt of a report from any such board, satisfactory to the commission, showing that the applicant has passed such an examination, the commission, being of the opinion that the applicant is in all other respects legally qualified, shall issue to him a license to practice the healing art in the manner described in his application and as authorized by law, in whatever class the commission shall find him qualified to so practice.

SEC. 7. The commission may (a) appoint, suspend, and remove such examiners, counsel, clerks, inspectors, and other officers and employees as may be authorized by law; (b) enter into contracts for the use and occupancy of such quarters as may be necessary for its purposes; but the Commissioners of the District of Columbia are hereby authorized to furnish such quarters without cost to the commission if the necessary space is available in any building under their control; and (c) buy such supplies as may be necessary for its work and for the execution and enforcement of this Act: *Provided*, That the commission incurs no indebtedness in excess of money actually available.

SEC. 8. The commission shall appoint boards of examiners as follows: (a) A board of examiners in the basic sciences; (b) a board of examiners in medicine and osteopathy; (c) a board of examiners in chiropractic; and (d) a board of examiners in naturopathy. The commission shall appoint (e) a board of examiners in midwifery; and (f) such other boards of examiners in drugless healing as are necessary under the provisions of this Act. The board of examiners in the basic sciences, and the board of examiners in medicine and osteopathy, shall each consist of five members. Boards of examiners in midwifery and boards of examiners in drugless healing may consist of three to five members, as the commission deems proper. No examiner shall be appointed for a term longer than five years, and all appointments shall be made so that the term of one member of each board shall expire on the 31st day of December of each year. The commission shall appoint no person as a member of any such board who is not a citizen of the United States and who has not been a resident of the District of Columbia for at least three years immediately preceding his appointment. The commission may appoint as members of such boards persons employed in the service of the Federal Government and of the government of the District of Columbia; and persons so employed may accept such appointment and may receive such compensation for their services as examiners as may be provided by law and by the regulations of the commission. A member of any board is not debarred by such membership from employment under the Federal Government or the government of the District of Columbia, not inconsistent with the discharge of his duties as a member of such board.

SEC. 9. Each examining board shall elect a chairman and a secretary and may make such rules regarding the discharge of its duties as the commission may approve. Each board shall conduct examinations and make reports as required by law and by the rules of the commission.

SEC. 10. The commission shall appoint the several members of the board of examiners in the basic sciences so that there will be on said board at all times one or more members capable of determining

whether applicants have or have not a sufficient knowledge of the sciences of anatomy, physiology, chemistry, bacteriology, and pathology to enable such applicants to understand and to apply such sciences in the study and practice of the healing art. No member of the board of examiners in the basic sciences shall teach or practice the healing art while serving in that capacity.

SEC. 11. The commission shall refer to the board of examiners in the basic sciences every applicant for a license to practice the healing art in the District of Columbia, except those entitled to licenses by virtue of licenses to practice medicine and surgery in the District of Columbia outstanding at the time of the approval of this Act, or by virtue of years of practice of osteopathy or some form of drugless healing in the District of Columbia at that time, for determination of the applicant's ability to understand and to apply the sciences of anatomy, physiology, chemistry, bacteriology, and pathology to the study and practice of the healing art. The commission shall refer such applicants so that the board of examiners in the basic sciences and any member of that board shall not know the method of practice the applicant has studied or the method of practice he intends to follow. The board of examiners in the basic sciences may examine any applicant referred to it, but it may accept in lieu of examination proof that the applicant has passed, before a board of examiners in the basic sciences, by whatsoever name it may be known, or before any examining or licensing board in the healing art as that art is hereinbefore defined, of any State, Territory, or other jurisdiction under the United States, or of any foreign country, an examination in anatomy, physiology, chemistry, bacteriology, and pathology, as comprehensive and as exhaustive as that required in the District of Columbia under authority of this Act. The board of examiners in the basic sciences shall report its findings to the commission. An applicant who is reported by the board as qualified in the sciences of anatomy, physiology, chemistry, bacteriology, and pathology, but who is not entitled to a license to practice the healing art, without examination, shall be certified by the commission to the board of examiners in medicine and osteopathy, or a board of examiners in drugless healing, as the case may be, for determination of his professional fitness. An applicant who is reported by the board as qualified in said sciences and who is entitled to a license by reciprocity, without examination, shall thereupon be given such a license. The commission shall issue no license to practice the healing art to any person who has not been reported by the board of examiners in the basic sciences as qualified in the sciences of anatomy, physiology, chemistry, bacteriology, and pathology, except to such persons as are entitled to licenses by virtue of licenses to practice medicine and surgery in the District of Columbia outstanding at the time of the approval of this Act and by virtue of years of practice of osteopathy or some form of drugless healing in said district prior to approval of this Act, and except to applicants for licenses to practice midwifery.

SEC. 12. The commission shall appoint as members of the board of examiners in medicine and osteopathy persons who have been graduated with the degree of doctor of medicine, doctor of osteopathy, or some equivalent degree by a school registered under this Act and who have taught or practiced, or taught and practiced, medi-

cine and surgery or osteopathy for not less than five consecutive years, the last three of which, at least, immediately preceding their respective appointments, have been in the District of Columbia.

The board of examiners in medicine and osteopathy shall be composed of four practitioners of medicine and surgery, one of whom shall be an adherent of the homeopathic school, and an osteopath. The degrees doctor of medicine and doctor of osteopathy shall be accorded the same rights and privileges under governmental regulations. They shall examine into the qualifications of all persons referred to them who desire to practice medicine and osteopathy. The questions propounded to such applicants shall be identical in every respect; with the exception of questions in the practice of medicine and practice of osteopathy which shall be propounded to applicants of these respective schools only, as the case may be, and the replies shall be examined and graded by the member or members of the board representing such schools of practice.

The board of examiners in medicine and osteopathy shall certify to the commission applicants whom they have found qualified to be licensed to practice medicine and surgery, or osteopathy and surgery, as the case may be.

SEC. 13. The commission shall refer to the board of examiners in medicine and osteopathy every applicant for a license to practice the healing art who does not intend and in his application agree to limit his practice to some named drugless method of healing and who is not entitled to a license without examination: *Provided*, That no applicant shall be certified to the board of examiners in medicine and osteopathy for examination who has not been reported by the board of examiners in the basic sciences as qualified in the sciences of anatomy, physiology, chemistry, bacteriology, and pathology.

SEC. 14. On petition of five or more adherents of any drugless method of healing, the commission shall appoint a board of examiners to determine the fitness of applicants for licenses to practice the healing art in the District of Columbia according to that method. Every such petitioner, at the time of signing the petition, shall have practiced the healing art in some manner, not necessarily in the manner described in the petition, for not less than five consecutive years immediately preceding, in the District of Columbia. The petition shall define the method of healing for which an examining board is desired, so as clearly to differentiate that method from the unrestricted practice of the healing art. The petition shall show as nearly as may be the number of schools teaching the method of healing described in it, and shall show the nature and extent of the facilities available for the education and training of practitioners of that method. It shall supply such other information as the commission may designate. The petition shall be sworn to by each of the petitioners to the best of his knowledge and belief.

Upon the filing of proper petition for the appointment of an examining board to determine the qualifications of applicants for licenses to practice according to the method of healing defined in the petition, the commission shall by resolution provide for the appointment of such a board and define exactly the method of practice to be covered by it and to be pursued by applicants licensed after examination by it. After the adoption of any such resolution the commis-

sion shall from time to time appoint boards to examine such applicants as may apply for licenses to practice the method of healing defined in such resolution. The commission shall appoint as members of any such board persons of good repute who have been graduated with some degree appropriate to the method of practice that the appointee has followed or intends to follow, by some school registered under this Act, and who have somewhere taught or practiced, or taught and practiced, the method of healing defined in the resolution for not less than five years immediately preceding their respective appointments, under authority of licenses empowering them so to do. In making such appointments, however, the commission shall give preference, when circumstances permit and other things are equal, to persons who have taught or practiced, or taught and practiced, the healing art according to the method defined in the resolution, in the District of Columbia, under licenses authorizing them so to do, for not less than three years immediately preceding their respective appointments: *Provided*, That any adherent of a method of healing for which the commission has provided a board of examiners, who has been graduated with an appropriate degree by some school representative of that method, who has practiced according to that system in the District of Columbia for not less than five consecutive years immediately preceding the approval of this Act, and who is entitled to a license, without examination, by virtue of the provisions of section 24 of this Act, is eligible for appointment as a member of that board.

SEC. 15. The commission shall refer to the appropriate board of examiners in drugless healing every applicant for a license to practice the healing art according to any method of drugless healing defined by the commission, who intends and in his application agrees to limit his practice to the system so defined, for determination of the applicant's fitness so to practice, and who is not entitled to a license to practice without examination: *Provided*, That no applicant shall be certified to any board of examiners in drugless healing who has not been reported by the board of examiners in the basic sciences as qualified in the sciences of anatomy, physiology, chemistry, bacteriology, and pathology.

SEC. 16. The commission may appoint, from time to time, as it deems expedient, a board of examiners in midwifery, consisting of not less than three and not more than five persons, who have practiced the healing art in the District of Columbia for not less than three years immediately preceding their respective appointments, under authority of licenses authorizing them so to practice. Appointments to such boards shall be made for such terms as the commission deems proper. The commission may abolish any such board at any time.

SEC. 17. The commission shall refer to a board of examiners in midwifery every applicant for a license to practice midwifery who intends and in her application agrees to limit her practice to the care of women during normal pregnancy and parturition, in so far as the licentiate is able to determine whether pregnancy and parturition are normal in any particular case, for determination of the applicant's fitness so to practice, and who is not entitled to a license by virtue of an outstanding license to practice midwifery in the District of Columbia in force at the date of the approval of this Act.

SEC. 18. Examinations shall be held by the board of examiners in medicine and osteopathy, the boards of examiners in drugless healing, and the board of examiners in midwifery,* beginning on the second Monday in January and July of each year and at such other times as the commission may by rule or by special order determine. Examinations shall be held by the board of examiners in the basic sciences at such times as the commission may by rule or by special order determine, having due relation to the dates of the examinations held by the board of examiners in medicine and osteopathy and the boards of examiners in drugless healing. The commission shall publish notice of the time and place of each examination and of other pertinent information concerning it, not less than thirty days before the first day of each such examination, in one or more newspapers of local circulation and, except in so far as relates to examinations for licenses to practice midwifery, in one or more medical or osteopathic journals of national circulation; and if there be any board or boards of examiners in drugless healing, then in a journal or journals, if there be any, of national circulation, representing a method or methods of healing corresponding to the method or methods represented by such board or boards.

SEC. 19. The commission shall by rule prescribe the nature and extent of the examinations to be conducted by each of the examining boards. All applicants examined by the board of examiners in the basic sciences shall be subjected to the same examination and rated on the same scale, as nearly as may be. All applicants, except applicants for licenses to practice midwifery, shall be subjected to the same examination and rated on the same scale, by the respective examining boards to which they are referred by the commission, in the diagnosis and prevention of communicable disease. Every examination shall be in writing, in the English language, but each shall be supplemented, if practicable, by laboratory and clinical tests and, if the commission deems proper, may be supplemented by oral examinations. Every examination shall be conducted, so far as the character of the examination permits, so that no examining board and no member thereof shall know the identity of the person examined. In any one examination by any one board the questions propounded to and the problems set for each applicant shall be as nearly the same as the character of the examination will permit. As a guide for determining whether an applicant has or has not passed, the commission shall fix by rule a uniform standard for all applicants, except that the commission may fix maximum credits to be allowed for such experience as the applicant may have had as a licensed practitioner and in the discretion of the commission may require an applicant claiming any such credit to be subjected to clinical and laboratory tests to demonstrate what credit he shall be allowed, if any. The general rules formulated by the commission to govern examinations may be modified with respect to examinations conducted by the board of examiners in the basic sciences and by boards of examiners in midwifery, in so far as the nature and function of the examinations conducted by those boards require. Except as hereinbefore stated, all examinations shall conform as nearly as may be to a uniform standard, to the end that every licensed practitioner of the healing art in the District of Columbia may conform

* See Pub. Law No. 399—76th Congress, Amendment on Page 18.

so far as may be possible to a single uniform standard of professional fitness.

SEC. 20. The board of examiners in the basic sciences, the board of examiners in medicine and osteopathy, and each board of examiners in drugless healing before which any applicant is to appear at the next ensuing examination, shall submit to the commission, not less than ten days before each examination, such questions as may be required by the rules of the commission governing examinations. The commission shall cause the questions so submitted to be prepared for distribution and to be distributed in the course of the examination at appropriate times; but from the questions submitted by the several examining boards in the diagnosis and prevention of communicable diseases, the commission shall select the questions to be used, and if the commission deems proper may revise and supplement such questions, and shall submit to all applicants appearing at any one examination the identical questions with respect to the subject named.

SEC. 21. The commission shall provide the place or places and all necessary facilities for examinations, including such supervisors or proctors as the commission deems necessary. The commission shall assign to each applicant a number under which his examination shall be conducted, with a view to the concealment of the identity of the examinee from the examiner, so far as may be practicable. The supervisor or proctor designated by the commission shall collect all examination papers and deliver them or cause them to be delivered to the several examiners who are to examine them. Each examining board shall, as speedily as possible, examine all applicants referred to it and report its findings to the commission. All reports of written examinations shall be made under the numbers of the several examinees and not under their names; but each board shall report to the commission, under the names of the several examinees, the results of the clinical and laboratory tests and of the oral examination, if any, to which the examinee has been subjected. The written and the oral examination and the clinical and the laboratory tests shall each be rated on a basis of one hundred, and the reports of the several boards of examiners shall be made accordingly. The relative weight to be given to each, the passing grade, and the weight to be allowed for experience, shall be fixed by the commission by regulations. The final standing of each applicant shall be determined by the commission in accordance therewith.

SEC. 22 The commission shall carefully consider the reports of the board of examiners in the basic sciences and of the examining board by which any applicant has been examined, purporting to show the qualifications of the applicant. If the commission is satisfied that the applicant is qualified to practice the healing art in accordance with law and within the limits fixed by his application, the commission shall issue to him a license attesting that fact and authorizing him so to practice in whatever class of practice the commission has found him qualified, so long as that license is unsuspended and unrevoked. All reports of examining boards and all questions to and answers by applicants in written examinations shall be open to inspection by any person who shows to the satisfaction of the commission that he has some proper interest in them. All examination papers shall be preserved by the commission

for a period of not less than two years. The commission shall record all licenses in a book kept for that purpose, which shall be duly indexed. Licenses shall be consecutively numbered, except that licenses of different classes may be numbered and recorded in separate series. Licenses shall show on their faces the class of practice for which they are issued, and licentiates shall display the same prominently in their offices at all times.

SEC. 23. Any person desiring to practice the healing art in the District of Columbia shall apply to the commission, in writing, for authority so to do. The application shall be in such form and accompanied by such evidence of the qualifications of the applicant as the commission requires. Each application shall show whether the applicant (a) seeks a license (1) on the basis of a license to practice medicine and surgery in the District of Columbia, under section 24 of this Act; (2) on the basis of years of practice, under section 24; (3) on the basis of reciprocity, under section 25; or (4) on the basis of examination under section 26; or (b) seeks registration as a person exempted from licensure, under section 42. Each application shall be accompanied by a fee, as follows: For a license on the basis of a license to practice medicine and surgery in the District of Columbia, a fee of \$1; on the basis of years of practice in the District of Columbia, a fee of \$25; for a license on the basis of reciprocity, a fee of \$50; for certification of applications for license by reciprocity in other jurisdictions, a fee of \$10; for a license on the basis of examination, a fee of \$25; for registration as a person exempted from license, a fee of \$1; but physicians and surgeons of the United States Army, Navy, and Public Health Service, and medical officers in any other branch of the Federal Government whatsoever, and practitioners of the healing art residing within and licensed by States bordering on the District of Columbia, who do not maintain an office or appoint places where patients may be met within the District of Columbia, applying for registration as persons exempted from licensure in the District of Columbia, shall not be required to pay any fee in connection with any such application. The commission may, on showing of any adequate cause, refund to an applicant for a license on the basis of examination any or all of the fee paid by him, prior to the reference of his application to an examining board for consideration, and thereafter if the applicant is by reason of sickness or other adequate cause prevented from entering the examination, the commission may refund not more than 50 per centum of such fee. An applicant for a license by reciprocity who fails to establish his right to such a license, and an applicant for registration as a person exempted from licensure who fails to establish his right to such registration, may be repaid by the commission not to exceed 80 per centum of the amount deposited by him with his application.

SEC. 24. Every person licensed to practice medicine and surgery or to practice midwifery in the District of Columbia under the provisions of an Act entitled "An Act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia," as approved June 3, 1896, as amended, who desires to

continue so to practice after this Act becomes effective, shall apply for a license so to do. As soon as practicable after the approval of this Act the commission shall by publication give notice of this requirement in one or more newspapers of general circulation in the District of Columbia and in one or more medical journals of national circulation. Application for such relicensing shall be made within ninety days after the publication of such notice. A licentiate who within the time thus limited applies for relicensing may continue to practice until the commission has acted on his application and granted to him a new license, if he be entitled thereto. A licentiate who fails to make application for relicensing within the time thus limited, but who later makes such application, shall not practice until after a new license, if the commission finds him entitled thereto, has been issued to him. * After five years after the approval of this Act the commission shall issue no license to practice the healing art in the District of Columbia on the basis of a license to practice medicine and surgery or to practice midwifery, in the District of Columbia, in force on the date of its approval. Every license issued under the provisions of this section shall show whether the licentiate was licensed in the first instance on the basis of a diploma and of registration without examination, or on the basis of examination, and shall show the date of such original registration, if there be any, and of such original license.

Any person who was engaged in the practice of osteopathy in the District of Columbia on or before January 1, 1928, may deliver to the commission, within ninety days after the approval of this Act, a written application for a license to practice osteopathy and surgery in the District of Columbia, together with satisfactory proof that the applicant is not less than twenty-one years of age and of good moral character, and had previously obtained a diploma from some legally incorporated school or college of osteopathy, and had been actively engaged in the practice of osteopathy for the past ten years, or had previously obtained a diploma from some legally incorporated college of osteopathy whose requirements were equal to those recognized by the American Osteopathic Association.

When the commission is satisfied as to the qualifications of the applicant as aforesaid, it shall issue to him a license to practice osteopathy and surgery: *Provided*, That the commission may, in its discretion, issue to such applicants licenses to practice osteopathy only, which licenses shall not permit the practice of surgery unless they satisfy the commission that they have had adequate clinical facilities at their respective colleges of graduation, or by hospital work, to enable them to practice surgery. Each license so to do shall show that it was issued on the basis of years of practice in the District of Columbia and without examination.

Any person who was engaged in the practice of chiropractic in the District of Columbia on or before January 1, 1928, may deliver to the commission, within ninety days after the approval of this Act, a written application for license to practice chiropractic in the District of Columbia, together with satisfactory proof that the applicant is not less than twenty-one years of age and of good moral character, and had previously obtained a diploma from some legally chartered or incorporated and duly established school or college

* See Pub. Law Amendment No. 254—75th Congress on Page 18.

of chiropractic and was actually engaged in the practice of chiropractic in said District on January 1, 1928.

When the commission is satisfied as to the qualifications of the applicant as aforesaid, it shall issue to him a license to practice chiropractic. Each license so to do shall show that it was issued on the basis of actual practice in the District of Columbia without examination.

Any person who has been engaged in the practice of the healing art as defined in this Act, in the District of Columbia on or before January 1, 1928, according to any other drugless method of healing, who has been graduated with a degree appropriate to the system of drugless healing that he has practiced by a legally chartered or incorporated and duly established school, and who desires to continue so to practice, shall within ninety days after the approval of this Act submit proof, satisfactory to the commission, of such date of practice and of graduation, of the fact that he is not less than twenty-one years of age and of good moral character, and of the name, character, and limits of the method of healing practiced by him. When the commission is satisfied as to the qualifications of the applicant as aforesaid, it shall issue to the applicant a license to practice the healing art in accordance with the system described by the applicant, if recognized by the commission as a named system of drugless healing, which shall be clearly defined and limited in the license so as to distinguish it from all other systems of practice. A license issued in any such case shall show that it was issued on the basis of years of practice and not on the basis of examination.

SEC. 25. An applicant who desires to obtain a license without examination, by virtue of a license issued to him by a State, Territory, or other jurisdiction forming a part of the United States, or by a foreign country, shall submit proof, satisfactory to the commission, that he is not less than twenty-one years of age and is of good moral character; that he was licensed to practice the healing art in the jurisdiction whence he comes under conditions that at that time would have enabled him to obtain a license to practice the healing art in the District of Columbia, or to have obtained a license under the provisions of this Act were it then in force; that he practiced the healing art under authority of said license for not less than two consecutive years immediately preceding the date of his application, and that he intends, if licensed by the commission, to practice in the District of Columbia. The applicant shall submit, also, proof that the licensing agency of the jurisdiction whence he comes or desires to come grants, without examination, to licentiates of the District of Columbia of the same class, licenses to practice the healing art within its jurisdiction. When the commission is satisfied as to the qualifications of the applicant as aforesaid and as to the readiness of the licensing agency of the jurisdiction whence the applicant comes to license, without examination, licentiates of the licensing agency of the District of Columbia of the same class, the commission shall issue to the applicant a license to practice the healing art corresponding in scope as nearly as may be to the license issued to him by the jurisdiction whence he comes: *Provided*, That an applicant who has been examined under authority of the com-

mission and who has failed, shall not thereafter be licensed by the commission by virtue of reciprocity with another jurisdiction.

Sec. 26. Each applicant for a license to practice the healing art, to be issued after examination, shall submit with his application proof satisfactory to the commission that he is not less than twenty-one years of age; that he is of good moral character; that he has had not less than two years of preprofessional education and training in a college or university acceptable to the commission before entering on the study of the healing art; that he has studied the healing art through not less than four graded courses of not less than nine months each, in a professional school or schools registered under this Act, and has been graduated by such a school with the degree of doctor of medicine, doctor of osteopathy, or some equivalent degree; and, if required by the commission, that he has had not less than one year of training in a hospital registered by the commission under this Act: *Provided*, That an applicant who has had the education and training required above, in preprofessional and professional schools, but whose graduation has been deferred by the professional school he last attended until after he has completed his training in a registered hospital, may be admitted to examination; but no license shall be issued to any such applicant until after he has been graduated from a registered school: *Provided further*, That an applicant for a license to be issued after examination who was graduated before the approval of this Act by a school registered under this Act may, if otherwise qualified, be admitted to examination upon proof by the applicant of such preprofessional and professional education and training, and of such graduation, as were required by the laws of the District of Columbia regulating the practice of medicine and surgery at the time of such graduation: *Provided further*, That an applicant for a license to practice osteopathy and surgery who has been graduated as aforesaid prior to December 31, 1930, shall be examined and licensed on showing that he was graduated by a high school acceptable to the commission before he entered on the study of osteopathy and that he in all other respects is qualified as aforesaid for examination: *And provided further*, That an applicant for a license to practice drugless healing, who has been graduated before December 31, 1935, may be admitted to examination on proof that before entering on the study of drugless healing he was graduated by a high school acceptable to the commission, and that he in all other respects is qualified as aforesaid for examination, and was graduated by a school registered under this Act, teaching the method of healing that he intends to follow, with a degree appropriate to that method of healing, after not less than three graded courses of resident study and training of at least six months each. After December 31, 1935, every such applicant shall be required to submit, before he is referred to an examining board for examination, evidence of not less than two years' education in a college acceptable to the commission and not less than four graded resident courses of professional study of not less than nine months each, in the same manner and to the same extent as are required of other applicants for licenses to practice the healing art.

An applicant for a license to practice midwifery shall submit proof, satisfactory to the commission, that before beginning the

study of midwifery she had been graduated by a high school acceptable to the commission and thereafter studied midwifery in a school of midwifery registered under this Act, for at least two graded courses of six months each, including attendance of not less than twenty-five cases of labor, and was duly graduated by that school.

SEC. 27. The Supreme Court of the District of Columbia, sitting as a court of equity, may suspend or revoke any license issued and any registration effected under this Act, upon evidence showing to the satisfaction of the court that the licentiate or registrant, as the case may be, has been guilty of misconduct or is professionally incapacitated.

Proceedings looking toward the suspension or revocation of a license or registration shall be begun by petition filed in the Supreme Court of the District of Columbia in the name of the Commission on Licensure to Practice the Healing Art, or of the Commissioners of the District of Columbia, or of the major and superintendent of police of said District, and shall be verified by oath. Proceedings shall be conducted according to the ordinary rules of equity practice and such supplementary rules as said court may deem expedient to carry into effect the purpose and intent of this Act; and said court is hereby authorized to make such supplementary rules. An appeal may be taken from the decision of the Supreme Court of the District of Columbia to the Court of Appeals of said District. Any such appeal on behalf of the commission or of the Commissioners of the District of Columbia or of the major and superintendent of police of said District may be filed without bond. The Supreme Court of the District of Columbia may determine whether a license or registration shall be suspended or be revoked, and if such license is to be suspended said court may determine the duration of such suspension and the conditions under which such suspension shall terminate.

SEC. 28. No person shall file or attempt to file with the commission any statement, diploma, certificate, credential, or other evidence when he knows, or when he might by reasonable diligence ascertain, that it is false and misleading.

SEC. 29. No person who has been referred by the commission to an examining board for examination and to whom has been assigned by the commission a number under which to write and deliver his answers in connection with the written examination shall disclose to any examiner, or permit to be disclosed to any examiner, the number so assigned, or in any other avoidable manner enable the examiner to determine the identity of the applicant whose papers he is examining.

SEC. 30. No person shall allow any other person to impersonate him in any manner whatsoever, in obtaining or attempting to obtain any certificate, license, or registration.

SEC. 31. No person shall disclose, directly or indirectly, to an applicant for a license, in advance of any examination or test to which the applicant is to be subjected, any question to be propounded to the applicant or any test to which he is to be subjected. No applicant for a certificate, license, or registration under this Act, and no other person whosoever shall procure or undertake to procure any such disclosure.

SEC. 32. No person licensed or registered under this Act shall allow any other person to impersonate him in connection with practice under any such license or registration.

SEC. 33. No person shall impersonate a person licensed or registered under this Act in connection with the practice of the healing art under such license or registration.

SEC. 34. No person shall alter or forge, or attempt to alter or forge, any diploma or other evidence of graduation in the healing art, or any certificate or evidence of any kind, with the intent that it shall be used to evade the provisions of this Act.

SEC. 35. No person shall alter or forge, or attempt to alter or forge, any license or evidence of registration, or counterfeit the seal of the commission, or make any counterfeit impression of that seal.

SEC. 36. No person having any office or duty to perform with respect to the licensing or registration of applicants for licenses and for registration under the provisions of this Act shall knowingly rate unfairly or give any unauthorized advantage to, or impose any unfair disadvantages on, any such applicant.

SEC. 37. Any person who swears or affirms to the truth of any matter or opinion that he knows to be false, for the purpose of evading, hindering, or impeding the purposes of this Act is guilty of perjury. Any person who swears or affirms falsely, outside of the District of Columbia, if his oath or affirmation be delivered to the commission in said District shall be guilty of perjury in said District and shall be tried and punished under the laws thereof.

SEC. 38. The commission may refuse to license or to register any person for any cause that in the judgment of the commission would, under the provisions of section 27 of this Act, authorize the Supreme Court of the District of Columbia to suspend or revoke a license or registration, if issued or granted. Before the commission refuses to license or register any applicant for any cause under the provisions of this section, it shall give that applicant an opportunity to be heard in person or by attorney, and to produce witnesses on his behalf. Witnesses may be produced on behalf of the commission and on behalf of any interested person. The attendance and testimony of witnesses may be compelled by subpoena issued by the Supreme Court of the District of Columbia, and said court is hereby authorized to issue and to enforce such subpoenas, on petition of the commission. Any person failing or refusing, without just cause, to appear and testify in response to any such subpoena, or in any way obstructing the course of any hearing to which he has been subpoenaed, is guilty of contempt of court and may be punished as other persons guilty of contempt of court are punished. Any member of the commission may administer oaths at any such hearing. On the petition of any applicant to whom a license or registration has been denied by the commission by virtue of this section, the action of the commission may be reviewed by the Supreme Court of the District of Columbia on a writ of certiorari, subject to appeal to the Court of Appeals of the District of Columbia, in the same manner as appeals are taken in similar cases.

SEC. 39. Any person violating the provisions of this Act shall upon conviction thereof be punished by a fine of not more than \$100 or by

imprisonment for not more than ninety days, or by both such fine and imprisonment, in the discretion of the court.

Sec. 40. If a person licensed or registered under the provisions of this Act be convicted in the Supreme Court of the District of Columbia of any felony, the court, without further hearing or procedure, may suspend for such time and under such conditions as it deems proper, or may revoke, the license or registration of the defendant, in addition to imposing any other penalty provided by law. An appeal by the defendant in any such case from the conviction of the offense shall act as a supersedeas to the judgment of the court suspending or revoking his license or registration.

Sec. 41. The unlawful practice of the healing art may be enjoined by the Supreme Court of the District of Columbia, sitting as a court of equity, on petition by the commission, or by the Commissioners of the District of Columbia, or by the major and superintendent of police of this District; but no such proceeding shall be entertained in advance of the conviction of the person sought to be enjoined, of violation of the provisions of this Act. In any such proceeding it shall not be necessary to show that any person is individually injured by the act or acts complained of. No injunction, either temporary or permanent, shall be granted until after final trial and final judgment on the merits of the case, nor until after a hearing is had on the petition. If on the trial it is shown that the respondent has been unlawfully practicing the healing art the court shall perpetually enjoin him from so practicing or continuing to practice, unless and until he has been duly licensed so to do. Procedure in such cases shall be the same as in any other injunction suit, as nearly as may be. The remedy by injunction given hereby is in addition to criminal prosecution and punishment based thereon, and not in lieu thereof. Such cases shall be advanced for trial on the docket of the trial court, and shall be advanced and tried in the appellate court, in the same manner and under the same law and regulations as apply to other suits for injunction.

Sec. 42. The provisions of this Act forbidding the practice of the healing art without a license shall not apply (a) to commissioned surgeons of the United States Army, Navy, or Public Health Service, or to medical officers in any other branch of the Federal Government whatsoever, in the discharge of their official duties; nor (b) to practitioners of the healing art duly licensed to practice their respective callings in States or Territories, or in jurisdictions under the control of the Federal Government, or in foreign countries, and actually called from such States, Territories, jurisdictions, or countries, in consultation, to visit specified patients in the District of Columbia or to give demonstrations or clinics under the auspices and for the members of an incorporated organization made up of licensed practitioners of the healing art in the District of Columbia; nor (c) to practitioners licensed to practice their respective callings in States and Territories, and in other jurisdictions forming a part of the United States, or in foreign countries, and called from such States, Territories, jurisdictions, or countries to visit, on their own behalf and not in consultation, specified patients in the District of Columbia: *Provided*, That all practitioners claiming exemption

under the provisions of this section, except those called into the District of Columbia on consultations only, shall file with the commission, in such manner as the commission may prescribe, evidence of their right to such exemption. Upon proof of that right, to the satisfaction of the commission, the commission shall enter the name of the applicant in a register kept for that purpose and shall issue to the applicant a certificate in evidence of such registration.

SEC. 43. The provisions of this Act shall not be construed to apply to (a) the treatment of any case of actual emergency; or (b) to the practice of massage, or dietetics, or the use of hygienic measures, for the relief of disease or to the practice of any other form of physiotherapy for the relief of disease, or to the practice of X-ray or laboratory technicians, under the direction of a person licensed to practice the healing art in the District of Columbia: *Provided*, That clinical and radiographic laboratories in operation and practitioners of electrolytic treatment, within the District of Columbia January 1, 1928, may continue to so operate under the provisions of this Act; or (c) to the use of ordinary hygienic, dietetic, or domestic remedies: *Provided*, That such use is not in violation of the provisions of sections 1 and 2 of this Act; or (d) to persons treating human ailments by prayer or spiritual means, as an exercise or enjoyment of religious freedom: *Provided*, That the laws, rules, and regulations relating to communicable diseases and sanitary matters are not violated; or (e) to the sale, manufacture, or advertising of drugs and medicines: *Provided*, That the vendor, maker, or advertiser, refrains from any attempt to diagnose: *Provided*, That it shall not be necessary to negative any of the aforesaid exemptions in any prosecution brought under this Act, but the burden of proof of any such exemption shall be on the defendant.

SEC. 44. All money payable under the provisions of this Act shall be paid to the collector of taxes of the District of Columbia and be by him deposited as a special fund to the credit of the commission. The commission shall pay from such fund all of the expenses of carrying this Act into effect, except such as may be incident to criminal prosecutions and to supervision and investigation with a view to criminal prosecution, the cost of which shall be paid from appropriations in the same manner as the expenses of other criminal prosecutions and supervisory work and investigations incident thereto are paid. Payments by the commission shall be made by check, signed by the president and treasurer of the commission. Members of the several examining boards and all officers and employees of the commission shall be paid at such rates as the commission deems proper.

SEC. 45. As soon as practicable after the approval of this Act the Board of Medical Supervisors of the District of Columbia, the Board of Medical Examiners of said District, the Board of Homeopathic Medical Examiners, and the Board of Electric Medical Examiners shall deliver to the Commission on Licensure to Practice the Healing Art in the District of Columbia all records and property in their possession, respectively. The Board of Medical Supervisors of the District of Columbia shall transfer to said commission all money remaining to the credit of said board after the payment in full of all outstanding obligations against it; and the money so transferred

may be used by the commission to defray the expenses of carrying this Act into effect in the same manner as other money coming into the custody of the commission is used for that purpose.

SEC. 46. It shall be the duty of the Commissioners of the District of Columbia and of the major and superintendent of police of said District to enforce the provisions of this Act. Criminal prosecution shall be conducted by the United States district attorney for the District of Columbia. Proceedings looking toward the suspension or revocation of licenses or registration and toward the issue of injunctions, under the provisions of this Act, shall be conducted by said United States district attorney when instituted on behalf of the commission, and by the corporation counsel for the District of Columbia when instituted on behalf of the commissioners of said District or by the major and superintendent of police of said District.

SEC. 47. The commission shall report annually to Congress, on the first Monday in December, its proceedings under the provisions of this Act during the next preceding fiscal year, with recommendations for such further legislation as may be necessary to protect the people of the District of Columbia from ignorance and quackery in the practice of the healing art in said District.

SEC. 48. This Act may be cited as the "Healing Arts Practice Act, District of Columbia, 1928."

SEC. 49. Matters pending before the Board of Medical Supervisors of the District of Columbia at the time of the approval of this Act shall be disposed of by the commission in accordance with the provisions of this Act, unless in the judgment of the commission it would be unjust or oppressive so to do; any matter, which in the judgment of the commission, it would be unjust or oppressive so to dispose of, may be disposed of by the commission, in so far as may be practicable, in accordance with the provisions of the law in force when the matter first came before the Board of Medical Supervisors. Criminal prosecutions may be instituted and, if instituted at the time of the approval of this Act, may be continued, and penalties may be imposed, under the provisions of the law in force at the time of the alleged offense, notwithstanding the passage of this Act. Except as provided above, all laws contrary to this Act or inconsistent therewith are hereby repealed.

Approved, February 27, 1929.

[PUBLIC—No. 254—75TH CONGRESS]

[CHAPTER 579—1ST SESSION]

[H. R. 6696]

AN ACT

To amend an Act entitled "An Act to regulate the practice of the healing art to protect the public health in the District of Columbia", known as the "Healing Arts Practice Act, District of Columbia, 1928", approved February 27, 1929

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of Congress entitled "An Act to regulate the practice of the healing art to protect the public health in the District of Columbia", known as the "Healing Arts Practice Act, District of Columbia, 1928", approved February 27, 1929, be amended by striking from the first paragraph of section 24 thereof the sentence reading as follows: "After five years after the approval of this Act the commission shall issue no license to practice the healing art in the District of Columbia on the basis of a license to practice medicine and surgery or to practice midwifery, in the District of Columbia, in force on the date of its approval."

Approved, August 11, 1937.

[PUBLIC—No. 399—76TH CONGRESS]

[CHAPTER 718—1ST SESSION]

[S. 2779]

AN ACT

To amend an Act entitled "An Act to regulate the practice of the healing art to protect the public health in the District of Columbia", known as the "Healing Arts Practice Act, District of Columbia, 1928", approved February 27, 1929.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of Congress entitled "An Act to regulate the practice of the healing art to protect the public health in the District of Columbia", known as the "Healing Arts Practice Act, District of Columbia, 1928", approved February 27, 1929, be amended by striking from the first sentence of section 18 thereof the words "beginning on the second Monday in January and July of each year and at such other" and inserting in lieu thereof the words "at such".

Approved, August 11, 1939.